

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

TIMOTHY REID,

Petitioner, : Case No. 3:12-cv-144  
-vs- : District Judge Walter Herbert Rice  
Magistrate Judge Michael J. Newman

WARDEN, CORRECTIONAL  
RECEPTION CENTER,

## Respondent.

## **ORDER FOR ANSWER**

This is an action pursuant to 28 U.S.C. §2254 for a writ of *habeas corpus*. This case has been referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. §636(b) and the Dayton General Order of Assignment and Reference.

Petitioner paid the filing fee on June 22, 2012.

Upon preliminary consideration pursuant to Rule 4 of the Rules Governing § 2254 Cases, the Court finds that it does not plainly appear from the face of the *habeas* Petition (doc. 1) that Petitioner is not entitled to relief in this Court. Accordingly, it is hereby **ORDERED** that Respondent shall, not later than forty-five (45) days from the date of this Order, file an Answer conforming to the requirements of Rule 5 of the Rules Governing § 2254 Cases. Specifically, said Answer shall respond to each allegation made in the Petition, raise any affirmative defense relied on by Respondent, and state whether, from Respondent's perspective, any claim in the Petition is barred by a failure to exhaust state remedies, a procedural bar, non-retroactivity, or a statute of limitations.

The Answer shall be accompanied by those portions of the state court record needed to adjudicate this case. The Answer shall include an index of any attached exhibits from the state court record. As required by Fed. R. Civ. P. 5, a complete copy of the Answer and attachments must be served on Petitioner at the time of filing. In lieu of these attachments, Respondent may request, and the Court will issue, a writ of *certiorari* to the relevant county's Clerk of Courts to produce the complete record.

Nothing in this Order is intended to prevent Respondent from filing a motion to dismiss or other pleading before filing the complete record if disposition can be made on an incomplete record.

Petitioner may, not later than twenty-one (21) days after the Answer is filed, file and serve a reply to the Answer. If Respondent files a motion to dismiss, Petitioner's time to file a memorandum in opposition will likewise be twenty-one (21) days from service, as provided in S.D. Ohio Civ. R. 7.2(a).

The Clerk is **ORDERED** to serve the Petition (doc. 1) on Respondent and the Attorney General of Ohio, c/o Assistant Attorney General M. Scott Criss, Sections Coordinator, 150 E. Gay Street, 16th Floor, Columbus, Ohio 43215.

June 26, 2012

s/ **Michael J. Newman**  
United States Magistrate Judge